

JUL 27 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION


  
CLERK

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ISAAC JETER,

CIV 05-4055

Petitioner,

MEMORANDUM OPINION  
AND ORDER

-VS-

UNITED STATES OF AMERICA,

Respondent.

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Petitioner, Isaac Jeter, is an inmate at the Federal Prison Camp in Yankton, South Dakota. Jeter filed a petition in the Eastern District of Missouri, Eastern Division, claiming that he is being denied "jail time" credit towards his federal sentence which was imposed in the Eastern District of Missouri, Eastern Division. The action was construed as an action seeking relief pursuant to 28 U.S.C. § 2241, and was transferred to the District of South Dakota pursuant to 28 U.S.C. § 1631.

Jeter, however, has not established that he has exhausted his administrative remedies on his claims, and Respondent has presented documentation establishing that Jeter only sought relief for his claims at the institutional level and failed to appeal this matter to receive a final agency decision for his complaint. Jeter's petition will therefore be denied without prejudice for failure to exhaust his administrative remedies. *See United States v. Chappel*, 208 F.3d 1069, 1069 (8th Cir. 2000) (holding that the district court properly denied a § 2241 petition seeking pretrial credit because the petitioner failed to exhaust his administrative remedies by first presenting his claim to the Bureau of Prisons).

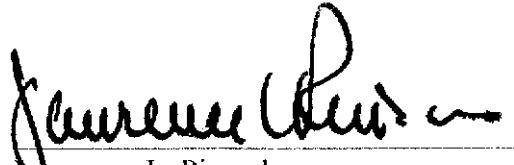
Jeter has a projected release date of September 14, 2007. Because this Court is dismissing this action without prejudice, Jeter will have the right, after exhausting his administrative remedies, to bring a petition under 28 U.S.C. § 2241, naming the warden of the facility in which he is housed as the respondent. *See United States v. Chappel*, 208 F.3d at 1069. Accordingly,

IT IS ORDERED: (1) that Jeter's Petition for Appointment of Counsel (Doc. 13) is denied; and

(2) that Petitioner's Application for Writ of Habeas Corpus Under 28 U.S.C.  
§ 2241 is denied, without prejudice.

Dated this 27<sup>th</sup> day of July, 2005.

BY THE COURT:

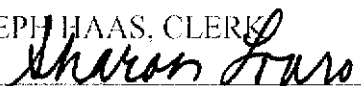
A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol  
Chief Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:

A handwritten signature in black ink, appearing to read "Sharon Lars", written over a horizontal line.

(SEAL) DEPUTY